

INFORMATION

Physician Rights to Staff Membership

TWO RELATED QUESTIONS sometimes raised amongst hospital administrators concern (a) whether license to practice medicine is the sole prerequisite to the right to membership on the staff of a public hospital, and (b) whether the hospital board has power to deny reappointment to a member of the staff on the ground of clinical incompetence or failure to abide by reasonable rules.

The ruling of an Illinois court in a recent case is pertinent:

Dr. Jack Dayan received his medical education at the University of Mexico City. He interned at St. Joseph's Hospital in Kansas City, Missouri, took the Illinois medical examination in 1952, and was licensed to practice in that state. Commencing practice in Wood River, Illinois, in 1952, he was admitted as an associate member of the medical staff of Wood River Township Hospital—a tax-supported public hospital whose governing board is appointed by the county judge.

Dr. Dayan reapplied for appointment to the staff in 1956 as in previous years. His application was denied. He obtained a temporary injunction restraining the hospital board from denying him use of the facilities pending a hearing before the board.

The hospital board required the medical staff to give reasons for its actions. Fourteen specific charges were made by the medical staff. The board gave notice of a hearing to Dr. Dayan and supplied him with a copy of the charges. Hearings were held and extensive testimony taken. Following the hearings, the board, by roll call, voted that 13 of the charges had been substantiated and continued to deny him appointment to the medical staff.

Then, upon application by the board, the court dissolved the temporary injunction.

Dr. Dayan appealed this decision.

The opinion of the court did not recite the specific charges. However, the opinion did state that Dr. Dayan contended that the action of the hospital board in concluding that he did not "measure up

to the necessary standard of professional competence" was arbitrary and capricious and was motivated by professional jealousy and personal resentment.

In answer to this contention, the court said it had reviewed the record of the hearing and that Dr. Dayan had been given "the fullest latitude" to present his case to refute the charges. It recognized that portions of the adverse testimony were based on personal resentment and professional jealousy but that "there was also calm, objective appraisal of plaintiff's clinical record which found him wanting."

Dr. Dayan also contended that by virtue of his appointment to the staff of a public hospital and his obtaining of a license to practice medicine from the state, he acquired a right or privilege which could not be taken away from him in punishment for violation of hospital rules.

The court, in answer to this contention, made the following points:

1. The licensing of a physician by the State of Illinois gives no absolute right to membership on the medical staff of a public hospital. The granting of the privilege of staff membership is vested by law in the hospital board acting in accordance with fair rules and regulations. Licensing by the state may be a prerequisite to staff membership. It is not the only condition.

2. Since hospital boards have the right and duty to safeguard the interests of the institution and the public, they are vested with "regulated discretion" in the appointment and reappointment of doctors to the medical staff. They have the power to refuse membership on the grounds of clinical incompetence or failure to abide by reasonable rules, or both.

The court observed that the proper functioning of a hospital depends upon the integrity and fairness of the active staff and that public interest dictates "this type of continuing supervision and control of the licensed practitioner."

"The suggested evils of the 'oligarchy' of the active staff," the court said, "leave less to fear than the alternative prospect of potential public harm arising from unlimited access to hospital facilities by licensed physicians without regard to clinical ability."

It is reassuring to have a court so cogently restate the authority of the hospital board and medical staff in the matter of appointment to staff membership to be based upon the solid rock of right and duty to safeguard the interests of the institution and the public. When the public interest is protected, so too is the best interest of the medical profession.

Dayan vs. The Wood River Township Hospital, 152 N.E. (2d) 205, 18 Ill. App. 2d 263 (1958).